

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

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**TRANSFER**

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**IMPORTANT NOTICE**

International application No.

PCT/US2004/009796

International filing date (day/month/year)

31 March 2004 (31.03.2004)

Priority date (day/month/year)

31 March 2003 (31.03.2003)

Applicant

CANTOR INDEX LLC

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 075234.0120	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2004/009796	International filing date ( <i>day/month/year</i> ) 31 March 2004 (31.03.2004)	Priority date ( <i>day/month/year</i> ) 31 March 2003 (31.03.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant CANTOR INDEX LLC			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |                                                                                                                                                                 |
|-------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report                                                                                                                                             |
| <input type="checkbox"/>            | Box No. II   | Priority                                                                                                                                                        |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention                                                                                                                                      |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited                                                                                                                                         |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application                                                                                                                |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application                                                                                                           |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 28 April 2009 (28.04.2009)
Facsimile No. +41 22 338 82 70		Authorized officer  Philippe Becamel
Form PCT/IB/373 (January 2004)		e-mail: pt12.pct@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
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# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 075234.0120		Date of mailing (day/month/year) <b>21 JUL 2008</b>
<b>FOR FURTHER ACTION</b> See paragraph 2 below		
International application No. PCT/US04/09796	International filing date (day/month/year) 31 March 2004 (31.03.2004)	Priority date (day/month/year) 31 March 2003 (31.03.2003)
International Patent Classification (IPC) or both national classification and IPC IPC: G06Q 99/00( 2006.01) USPC: 705/1		
Applicant CANTOR INDEX, LLC		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I      Basis of the opinion
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention.
- ☒ Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 18 February 2008 (18.02.2008)	Authorized officer John Weiss Telephone No. 571-272-3600
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Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/09796

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in electronic form.  
☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/09796

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)

Claims 1-23 YES

Claims NONE NO

Inventive step (IS)

Claims NONE YES

Claims 1-23 NO

Industrial applicability (IA)

Claims 1-23 YES

Claims NONE NO

2. Citations and explanations:

Claims 1-23 lack an inventive step under PCT Article 33(3) as being obvious over what is well known in the betting art as "Parimutuel betting" as is disclosed by Wikipedia and was invented in 1865.

For claims 1,5,8,11-14, in Parimutuel betting all bets of a particular type are placed together in a pool and payoff odds are calculated by sharing the pool among all bets. The receipt of a 1st bet is inherent to betting. The claimed first quote is the amount of the bet. For this kind of betting the results of events are received and the amount of a payout is determined after the bets are made. Not disclosed is that the first quote related to a total number of points that a participant may earn in a plurality of events. It is well known in the art of betting that one can place a bet on the total number of points that a NASCAR driver may earn in a championship event (such as the championship event formerly known as the Winston Cup series). Las Vegas has for a long time been taking bets on how many points a driver will earn for the season and who will win the championship. In a general sense, one can bet on just about anything. It is also known that one can be on how many points a football team will score in each of the 4 quarters (events) of a football game, as well as the total number of points for the game. Betting on how many points a participant will earn is nothing new and is what happens with the NASCAR championship series. It would have been obvious to one of ordinary skill in the art to use a parimutuel betting system for the betting of the number of points a NASCAR driver will earn for the season. The number of points is the claimed total number of units that the participant can earn. NASCAR has a plurality of events, which are the various races throughout the season.

For claims 2,6,7 the providing of an upper index and a lower index is what is known as providing an over or under for points. One can bet that the total points will be over the over/under number, or can bet that the points will be under the over/under number. The over is a number and the under is a number. It would have been obvious to use the over/under scheme of betting with Parimutuel betting as this is a very well known form of betting.

For claim 3,4, while not disclosed by the reference, to have one bet on how much money one may earn over the course of a season, or to be on horse jockeys, is obvious to one of ordinary skill in the art. As stated previously, one can place a bet on just about anything. To claim a specific type or kind of event that the bet is placed on is something that is obvious and that involves no more than ordinary skill in the art.

For claims 9,10, this claim is reciting the act of taking a bet after the Winston Cup series has started, something that is also obvious to one of ordinary skill in the art. One can place a bet at any time as long as the bet taker is willing to take the bet.

For claims 15-23, to simply use computers to automate the process of taking bets and processing the payouts is obvious to one of ordinary skill in the art. This is just using modern computers to assist in what would otherwise be a manual process. Automation of a previously recognized as manual process is obvious to one of ordinary skill in the art.